

FILED

FEB 27 2013

**New Jersey State Board of
Massage and Bodywork
Therapy Examiners**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MASSAGE AND BODYWORK
THERAPY

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE
LICENSE OF

FINAL ORDER OF DISCIPLINE

MAN WAI YUEN
LICENSE # 18KT00043000

AS A MASSAGE AND BODYWORK
THERAPIST

This matter was opened to the Board of Massage and Bodywork Therapy (the Board) upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Man Wai Yuen is a licensed Massage and Bodywork Therapist who was certified by the Board's predecessor, the Massage, Bodywork and Somatic Therapy Examining Committee ("the Committee") under the Certification number of BT 00215800. The Committee was replaced by the Board on September 4, 2012.

2. On or about March 23, 2012, respondent was arrested and charged with lewdness, criminal sexual contact and harassment.

The charges were dismissed for lack of prosecution.

3. Respondent was asked to provide a signed narrative statement indicating the facts and circumstances that led to his arrest, as well as documentation of dismissal. Respondent provided documentation of dismissal, but his narrative statement simply indicated that he was "falsely accused."

4. In a letter that issued on August 21, 2012, respondent was asked to provide a more detailed explanation, indicating that if he did not provide a satisfactory statement he might be asked for transcripts of the court proceedings or might be called to testify before the Committee. Respondent's attorney indicated that respondent was out of the country and would not provide testimony, nor would he provide transcripts of the proceedings. Respondent's attorney stated that respondent understood that he may be regarded as failing to cooperate with the Committee investigation.

CONCLUSIONS OF LAW

1. Respondent's refusal to provide the details of the facts and circumstances that led to his arrest on charges of lewdness, criminal sexual contact and harassment constitutes a violation of N.J.A.C. 13:45C-1.2, -1.3, subjecting him to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 8, 2013,

provisionally suspending respondent's license to practice massage and bodywork therapy, and provisionally imposing a civil penalty in the amount of \$500.00. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record, as well as to his attorney. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the record reflects that the certified mailing of the order to respondent's attorney was signed for, the certified mailing of the order to respondent's address of record was delivered on January 14, 2013, and the regular mailings of the order were not returned, no response has been received to date. Accordingly, the Board found that service had been effected, and further found that inasmuch as no material discrepancies had been raised with respect to the findings of fact and conclusions of law, further proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 27th DAY of February, 2013,


ORDERED that:

1. Respondent's license to practice massage and bodywork therapy is hereby suspended until he provides the Board with the transcripts of the court proceedings on July 23, 2012 relating to the disposition of his arrest, and a detailed statement setting forth the facts and circumstances that led to his arrest.

2. A \$500.00 civil penalty is hereby imposed.

NEW JERSEY STATE BOARD OF
MASSAGE AND BODYWORK THERAPY

By:

A handwritten signature in cursive script, appearing to read "Deborah Overholt", is written over a horizontal line.

Deborah Overholt
Chairperson